



STATE OF DELAWARE  
**DEPARTMENT OF AGRICULTURE**  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901  
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE  
SECRETARY

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**Respondent:**

**Lush Green Lawn  
539 Sandtown Road  
Felton, DE 19943**

**Violations:**

§1224(a)(3) –Engaging in the business of applying a pesticide on the lands of another without having a license granted by the Department.

**Penalty:**

Respondent signed a consent agreement in August 2022. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$840.00

**STIPULATED FACTS**

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1. Lush Green Lawns (“Respondent Lush Green Lawn”) is a commercial pesticide applicator business with an office located at 539 Sandtown Road, Felton DE 19943. Charles Sinclair is the owner/operator. Respondent Lush Green Lawns is licensed (License No. 1314) by the Delaware Department of Agriculture (“the Department”).
2. Mr. Charles Sinclair (“Mr. Sinclair”) is certified by the Department in Category 8.3.5.1, Aquatic Weed Control and 8.3.3.1 Ornamental and Turf Pest Control. This certification number is 07-686.
3. Luke Murphy is employed by Respondent as an registered service employee. Mr. Murphy was not a registered service employee at the time of the inspection, but as of 9/2/2022 he was registered.
4. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Dustin Borntreger, (“Mr. Borntreger”) is employed as an Environmental Scientist III with the Department.
5. On August 29<sup>th</sup>, 2022, the Department received a complaint email, the email was then forwarded to the Pesticide Section. The email stated that the Respondent was



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conducting pesticide applications and not following the Departments rules and regulations. Specifically, no records of application were being recorded and one of the applicators was not certified or registered with the Department. The case was assigned to Borntreger.

6. On August 30<sup>th</sup>, 2022, Mr. Borntreger arrived at the address listed under the Respondents Salesforce account, 539 Sandtown Road, Felton DE 19943. Mr. Borntreger then spoke with the owner Mr. Sinclair. Borntreger proceeded to go through the Departments Certified Applicator Records and Business License Inspection checklist. While filling out the checklist, Borntreger asked how many employees currently worked for the Respondent and who is responsible for making applications for the business. Mr. Sinclair stated that he had 13 current employees and that Luke Murphy performed almost all the applications. Mr. Sinclair stated that approximately 300 applications were performed. Mr. Sinclair provided a voluntary statement form confirming these statements. Borntreger then spoke to Mr. Murphy, he stated that he did perform the majority of the applications and that these applications included weed, bug and disease control applications. Mr. Murphy also provided a voluntary statement stating this fact and gave his employment date as June 1<sup>st</sup> 2022.
7. Borntreger then asked if he could see the application records for the Respondent. Mr. Sinclair first stated that the records were inside the house, but he didn't want to wake up family members inside of the house. Borntreger then explained that in order to complete the inspection he would need to see the records. Mr. Sinclair then explained that he did not have records of application for 2022. Borntreger added this statement to the comment section of the checklist, which Mr. Sinclair signed at the conclusion of the inspection.
8. Luke Murphy was added as a service employee on September 2<sup>nd</sup>, 2022, at 11:33 AM. This information was taken from the Departments Salesforce database.
9. 601 Delaware Pesticide Rules and Regulations, 14.0 Records, 14.1- Commercial Applicators – Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include: brand name, dilution rate, date and area treated, pest against which the pesticide was used, applicator name and weather conditions.
10. In the past 5 years, Respondent has no pesticide compliance violations with the Department.